

HCS SB 701 -- ROAD USE

SPONSOR: Mayer (Wright)

COMMITTEE ACTION: Voted "do pass" by the Committee on Transportation by a vote of 11 to 0.

This substitute changes the laws regarding the use of state roads. In its main provisions, the substitute:

(1) Allows persons to operate certain motor vehicles engaged in public safety or restoration of utility services on public highways with dyed fuel during any Governor-declared state emergency. Dyed motor fuel is exempt from the state excise tax on motor fuels;

(2) Exempts a highway route controlled quantity shipment of spent nuclear fuel or low-level radioactive waste from the fee for transporting radioactive waste. The substitute specifies that all vehicles and carriers transporting highway route controlled quantities of radioactive material are regulated by the United States Department of Transportation and required to pass the specified federal inspection and if it passed the federal inspection, the shipment cannot be subject to an additional inspection unless the inspection is necessary at the discretion of state safety resources;

(3) Revises the definition of "recreational off-highway vehicle" by increasing the width of a vehicle from 60 inches to 64 inches and increasing the unladen dry weight of the vehicle from 1,850 pounds to 2,000 pounds;

(4) Allows a person to operate the following recreational off-highway vehicles upon the highways of the state:

(a) Vehicles owned and operated by a governmental entity for official use;

(b) Vehicles operated for agricultural purposes or industrial on-premise purposes between sunrise and sunset;

(c) Vehicles operated within three miles of the operator's primary residence; and

(d) Vehicles operated occasionally by handicapped persons for short distances only on the state's secondary roads between the hours of sunrise and sunset;

(5) Prohibits a person from operating a recreational off-highway vehicle within any stream or river except by an operator who owns

the property or has permission to be on the property on which the waterway flows through or when fording it at a low-water crossing;

(6) Requires a person operating a recreational off-highway vehicle on a highway to have a valid operator's or chauffeur's license with certain specified exceptions, to display a lighted headlamp and a lighted tail lamp, to wear a seat belt, and the vehicle to be equipped with a roll bar or roll cage construction to reduce the risk of injury to an occupant of the vehicle in case of the vehicle's rollover. No person may operate a recreational off-highway vehicle in a careless way so as to endanger the person or property of another or while under the influence of alcohol or a controlled substance. A violation of these provisions will be a class C misdemeanor. In addition to other legal remedies, the Attorney General or county prosecuting attorney may institute a civil action in a court of competent jurisdiction for injunctive relief and for the assessment of a civil penalty of up to \$1,000 per day of violation; and

(7) Changes the laws regarding towing companies operating tow trucks by:

(a) Requiring a company to be licensed by the Division of Professional Registration within the Department of Insurance, Financial Institutions and Professional Registration;

(b) Requiring a company to have and occupy a verifiable business address with the address displayed in a location visible from the street. Currently, it is only required to have and occupy a verifiable business address;

(c) Requiring the total area for storing vehicles, either inside or outside, to be at least 2,000 square feet with fencing a minimum of six feet high;

(d) Requiring the business office to maintain regular business hours from 8:00 a.m. to 5:00 p.m., Monday through Friday, for customers or their authorized agent to view or retrieve a vehicle at no additional charge during these business hours;

(e) Requiring the company to have and maintain a phone number which is published in the local phone book and accessible through directory assistance;

(f) Requiring the company to maintain liability insurance of garage coverage liability of \$1 million per occurrence with an aggregate amount of at least \$2 million, a garage keeper policy with a \$50,000 minimum, and hook and cargo insurance with a \$150,000 minimum;

(g) Requiring the company to provide a \$25,000 surety bond from a licensed Missouri business or an irrevocable letter of credit from a licensed Missouri financial institution; and

(h) Requiring tow drivers to be certified by the Towing and Recovery Association of America (TRAA) or any state or federally funded program. Beginning August 28, 2013, light-duty operators must have at least TRAA Level 1 Certification or equivalent. Beginning March 1, 2014, medium-duty operators must have at least TRAA Level 2 Certification or equivalent. Beginning August 28, 2014, a company must have at least one TRAA Level 3 certified operator engaged in heavy-duty towing. Anyone who provides a five-year employment history with a towing or wrecking service must be exempt from these provisions.

FISCAL NOTE: No impact on state funds in FY 2013, FY 2014, and FY 2015.

PROPOSERS: Supporters say that this authority is necessary in times of a declared emergency.

Testifying for the bill were Senator Mayer; and Association of Missouri Electric Cooperatives.

OPPOSERS: There was no opposition voiced to the committee.